

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION AT CANTON**

In re:)	Case No. 23-60405
)	
)	Chapter 13 Proceedings
Andrea R Thomas,)	
)	Judge JOHN GUSTAFSON
Debtor(s).)	

MOTION TO ENTER AGREED ORDER FOR RELIEF FROM STAY

Now comes Debtor, Andrea R. Thomas, by and through her undersigned counsel and hereby moves the court, pursuant to Section 362(d) of the United States Bankruptcy Code and Rule 4001 of the Rules of Bankruptcy Procedure for an order modifying the automatic stay imposed by Section 362 of the United States Bankruptcy Code to permit the Debtor to transfer real property and for cause states as follow:

1. This court has jurisdiction over the within proceeding under 28 USC, Sections 157 and 1334. This proceeding is a core proceeding under 28 USC, Section 157(b)(2). The venue of this case and the motion are proper under 28 USC, Section 1408 and 1409.
2. This Chapter 13 proceeding commenced on April 7, 2023. The Debtor's divorce decree was entered on August 12, 2022, in the Court of Common Pleas, Domestic Division, Stark County, Ohio, Case No. 2021 DR 00652. The Debtor has supplied a copy of the Divorce Decree to the Chapter 13 Trustee.
3. The parties are joint owners of real property located at 533 Maynard Avenue Canal Fulton, OH 44614, the value of the property is \$247,600.00, per the Stark County Auditor. Currently, there is a mortgage held by myCUMortgage, LLC in the amount of \$156,266.60.

4. Per the Divorce Decree Mr. Thomas will retain the aforesaid real property and the Debtor will receive \$40,000.00 for her interest. Mr. Thomas has obtained financing to pay off the current mortgage and pay the Debtor her interest, which is claimed exempt as homestead.
5. That the automatic stay of Section 362 of the United States Bankruptcy Code acts as a stay against the continuation of a proceeding that seeks a division of property that is property of the estate. Cause exists for Debtor to be granted relief from the automatic stay in to allow the Debtor to transfer her interest in the aforesaid real property, pay off the existing mortgage, and receive \$40,000.00.

WHEREFORE, the Debtor prays for an order to enter the attached agreed order of the for the purpose of permitting Debtor to transfer interest in the real property located at 533 Maynard Avenue Canal Fulton, OH 44614 and receive \$40,000.00 per the Divorce Decree dated August 12, 2022.

Respectfully submitted by:

/s/ David A. Mucklow
DAVID A. MUCKLOW (#0072875)
Attorney for Debtor
919 E. Turkeyfoot Lake Road, Suite B
Akron, OH 44312
(330) 896-8190
(330) 896-8201
davidamucklow@yahoo.com

NOTICE

The Debtor, Andrea R. Thomas has filed a motion to enter an agreed order for relief from stay in this case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this Bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant said motion, or if you want the court to consider your views on the motion, then on or before **August 18, 2023**, you or your attorney must:

File with the court a written request for hearing {or, *if the court requires a written response*, an answer, explaining your position}
at:

Ralph Regula Federal Building
U.S. Courthouse
401 McKinley Ave. SW
Canton, OH 44702

You must also mail a copy to:

David A. Mucklow, Esq.
Attorney for the Debtor
919 E. Turkeyfoot Lake Road
Suite B
Akron, OH 44312

If you mail your request/response to the court for filing, you must mail it early enough so the court will receive it on or before **August 18, 2023**.

If you or your attorney do not take these steps, the court may decide that you do not oppose this Motion.

CERTIFICATE OF SERVICE

I certify that on or about 3rd day of August, 2023 that a true and correct copy of the foregoing was sent electronically via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list:

- Dynele L Schinker-Kuharich DLSK@Chapter13Canton.com, dschinkerkuharich@ecf.epiqsystems.com
- United States Trustee (Registered address)@usdoj.gov

I certify on or about 3rd day of August, 2023 that a true and correct copy of the foregoing was sent via U.S. regular mail to the persons listed below.

Andrea R Thomas
559 Longview Avenue
Canal Fulton, OH 44614

Rebecca J. Sremack
Sremack Law Firm LLC
2745 South Arlington Road
Akron, Ohio 44312

Tyrone D. Hauritz
101 Central Plaza, Suite 500
Canton, OH 44702

/s/ David A. Mucklow
DAVID A. MUCKLOW, (#0072875)
Attorney for the Debtor